The Minutes

October 21, 2002

At 9:33 a.m., the court met in the Library & Courts Building to begin its court calendar session. Present: Scotland, Presiding Justice; Blease, Associate Justice: Kolkey, Associate Justice: and Rios, Bailiff. Calendar Called.

C037161 GARCIA v. COUNTY OF SACRAMENTO and DEPARTMENT OF HEALTH **SERVICES**

Cause called. Janie Daigle, Deputy Attorney General, argued for appellant. Douglas W. Brown argued for respondent. No appearance was made on behalf of plaintiff. Cause submitted.

At 10:01 a.m., the court recessed. At 10:05 a.m., the court reconvened with Scotland, Presiding Justice; Blease, Associate Justice; and Callahan, Associate Justice.

C037444 ONODA v. BOARD OF CHIROPRACTIC EXMAMINERS

Cause called. Russell lungerich arqued for appellant and submitted additional citations. Christina Thomas, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:40 a.m., the court recessed. At 10:44 a.m., the court reconvened with Davis, Acting Presiding Justice; Raye, Associate Justice; and Callahan, Associate Justice.

C038613 BORN, etc. v. SELECT CAPITAL CORPORATION, et al.

Cause called. Linda J. Conrad, argued for appellant. Doug Mudford argued for defendants-respondents Mid Valley Bank, et al. James M. Nelson argued for defendant-respondent Select. Cause submitted.

At 11:15 a.m., the court recessed. At 11:17 a.m., the court reconvened with Sims, Acting Presiding Justice: Davis, Associate Justice; and Morrison, Associate Justice.

PAYE v. BEITZ C038608 C039518

PAYE v. BEAVER, et al.

Cause called. Karen M. Goodman argued for defendant-appellants-crossrespondent Beitz. Alan S. Haley argued for plaintiff-respondent-cross appellantappellant Paye. No appearance was made on behalf of defendant-respondent Beaver, et al. Cause submitted.

At 11:45 a.m., the court recessed. At 2:00 p.m., the court reconvened with Blease, Acting Presiding Justice; Morrison, Associate Justice; and Hull, Associate Justice.

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October 21, 2002, continued

C038622 SIERRA CLUB et al. v. SAN JOAQUIN LOCAL AGENCY, etc. and GOLD RUSH CITY HOLDING CO., Inc. et al., and CITY OF LATHROP

Cause called. Susan Brandt-Hawley argued for plaintiffs-respondents-cross appellants Sierra Club et al. Steven A. Herum argued for defendant-cross-respondent, San Joaquin Local Agency, etc. and Real Parties in Interest-appellants-cross-respondents, Gold Rush City Holding Co., Inc. Susan Burns Cochran, City Attorney, appeared only for Real Party in Interest-cross-respondent, City of Lathrop. Cause submitted.

At 2:30 p.m., the court recessed. At 2:30 p.m., the court reconvened with Blease, Acting Presiding Justice; Morrison, Associate Justice; and Hull, Associate Justice

C036664 TOSCO CORPORATION v. NEW HAMPSHIRE INSURANCE COMPANY

Cause called. Peter Abrahams argued for appellant. Kevin M. Fong argued for respondent. Cause submitted.

At 2:55 p.m., the court recessed. At 2:59 p.m., the court reconvened with Sims, Acting Presiding Justice; Callahan, Associate Justice; and Kolkey, Associate Justice.

C034279 The People v. Torres

Cause called. Hilda Scheib, court appointed counsel, argued for appellant. Charles Fennessey, Deputy Attorney General, argued for respondent. Cause submitted.

At 3:19 p.m., the court recessed. At 3:22 p.m., the court reconvened with Sims, Acting Presiding Justice; Morrison, Associate Justice; and Kolkey, Associate Justice.

C034586 The People V. Penn

Cause called. Robert Wayne Gehring, court appointed counsel, argued for appellant. Netania E. Melamed Moore, Deputy Attorney General, argued for respondent. Cause submitted

At 3:50 p.m., the court recessed. At 3:51 p.m., the court reconvened with Davis, Associate Justice; Morrison, Associate Justice; and Kolkey, Associate Justice.

The Minutes

October 21, 2002, continued

C039609 In re WENDELL L. JAMES on Habeas Corpus

Cause called. B. George Seikaly, Deputy Attorney General, argued for appellant. Heather MacKay, court appointed counsel, argued for respondent. Cause submitted.

At 4:38 p.m., the court recessed until 9:30 a.m., Tuesday, October 22, 2002.

C037807 THE PEOPLE v. HOGAN

(Not for Publication)

The trial court is directed to amend the abstract of judgment by striking the "consecutive" notation for count one, and by noting count one is to be "concurrent." The trial court is ordered to forward the amended abstract of judgment to the Department of Corrections. In all other respects, the judgment is affirmed.

NICHOLSON, Acting P.J.

We concur: Rave, J.

Hull, J.

C040132 THE PEOPLE v. CRUZ, SR.

(Not for Publication)

The judgment is affirmed.

RAYE. J.

We concur: Sims, Acting P.J.

Davis, J.

C040302 In re D.M. et al.; YOLO COUNTY DEPARTMENT OF SOCIAL SERVICES v. WINDY T.

(Not for Publication)

The orders are affirmed.

CALLAHAN, J.

We concur: Scotland, P.J.

Nicholson, J.

C040802 In re F.A.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND

HUMAN SERVICES v. J.S. et al.

(Not for Publication)

The juvenile court's order is affirmed.

RAYE. J.

We concur: Davis, Acting P.J.

Kolkey, J.

October 22, 2002

At 9:28 a.m., the court met in the Library & Courts Building to begin its court calendar session. Present: Nicholson, Associate Justice; Morrison, Associate Justice; Hull, Associate Justice; and Guzman, Bailiff. Calendar Called.

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October 22, 2002, continued

C039773 MEADOWS v. WELCH

Cause called. Henry Meadows, In Pro Per appellant, argued for himself. Fred G. Wiesner argued for respondent. Cause submitted.

C039982 MADYOON v. MEDPARTNERS, INC. et al.

Cause called. John R. Conger argued for appellant. James T. Jones argued for respondent. Cause submitted.

At 10:12 a.m., the court recessed. At 10:16 a.m., the court reconvened with Raye, Associate Justice; Morrison, Associate Justice; and Hull, Associate Justice.

C036988 THE PEOPLE v. EDMONTON

Cause called. Brendon Ishikawa, court appointed counsel, argued for appellant and submitted additional citations. Jane N. Kirkland, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:30 a.m., the court recessed. At 10:38 a.m., the court reconvened with Raye, Associate Justice; Callahan, Associate Justice; and Robie, Associate Justice.

C038544 HINTON v. GRANGE INSURANCE GROUP et al.

Cause called. Joan Wolff, argued for appellant. Charles K. Brunn, argued for respondents. Cause submitted.

At 11:03 a.m., the court recessed. At 11:06 a.m., the court reconvened with Raye, Associate Justice; Kolkey, Associate Justice; and Robie, Associate Justice.

C039579 EHLERS ELEVATORS, INC. v. BETASEED COMPANY

Cause called. Timothy Hix argued for appellant. Randy E. Thomas argued for respondent. Cause submitted.

At 11:38 a.m., the court recessed. At 2:00 p.m., the court reconvened with Davis, Associate Justice; Raye, Associate Justice; and Callahan, Associate Justice.

C038751 HAMILTON v. GOURLEY, as Director, etc.

Cause called. Kenneth M. Foley argued for appellant. Leslie A. Burgermyer, Deputy Attorney General, argued for respondent. Cause submitted.

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October 22, 2002, continued

At 2:31 p.m., the court recessed. At 2:36 p.m., the court reconvened with Nicholson, Associate Justice; Raye, Associate Justice, and Hull Associate Justice

C038865 BOYD et al. v. EASTINE, as Director, etc., et al.

Cause called. Mark E. Merin argued for appellants. Eileen Gray argued for respondents. Derek Ledda appeared only. Cause submitted.

At 3:18 p.m., the court recessed until 9:30 a.m., Wednesday, October 23, 2002.

C038928 THE PEOPLE v. KNIGHT (Not for Publication)

The judgment and the order denying defendant's suppression motion are reversed. The superior court is directed to enter an order granting the motion and the matter is remanded for further proceedings.

ROBIE, J.

We concur: Scotland, P.J.

Rave, J.

C038359 ROYCE INTERNATIONAL BROADCASTING CORPORATION v. KALIL & COMPANY, INC. (Not for Publication)

The judgment of dismissal is affirmed. Kalil shall recover its costs on appeal.

SIMS, Acting P.J.

We concur: Raye, J.

Kolkey, J.

C040345 NAIFY v. CITY OF MT. SHASTA and COMING ATTRACTIONS

THEATRES, INC., et al.

(Not for Publication)

The judgment is affirmed.

CALLAHAN, J.

We concur: Sims, Acting P.J.

Morrison, J.

In re TAMARIO G. et al.; SAN JOAQUIN COUNTY HUMAN SERVICES AGENCY v. LATONIA C. (Not for Publication)

The juvenile court's order is affirmed.

ROBIE, J.

We concur: Sims, Acting P.J.

Callahan, J.

C036774 THE PEOPLE v. MARTINEZ

BY THE COURT:

Appellant's petition for rehearing is denied.

BLEASE, Acting P.J.

The Minutes

October 22, 2002, continued

C038494 MOOSA v. STATE PERSONNEL BOARD and CALIFORNIA STATE UNIVERSITY, CHICO (Certified For Publication)

THE COURT:

The opinion in the above-entitled matter filed on September 23, 2002, was not certified for publication in the Official Reports. For good cause it now appears that the opinion should be published in the Official reports and it is so ordered.

FOR THE COURT:

BLEASE, Acting P.J. SIMS, J. ROBIE, J.

October 23, 2002

At 9:27 a.m., the court met in the Library & Courts Building to begin its court calendar session. Present: Scotland, Presiding Justice; Hull, Associate Justice; Robie, Associate Justice; and Facey, Bailiff. Calendar Called.

C039067 HEFFEL, as Trustee, etc. v. LODI METAL TECH, INC.

Cause called. Robert D. Nelson argued for appellant. Christopher H. Engh argued for respondent. Allison Cherry Lafferty appeared only. Cause submitted.

At 9:55 a.m., the court recessed. At 9:56 the court reconvened with Scotland, Presiding Justice; Hull, Associate Justice; and Robie, Associate Justice.

C038077 THE PEOPLE v. SEVERANCE

Cause called. Eric Weaver, court appointed counsel, argued for appellant. There was no appearance made on behalf of respondent. Cause submitted.

At 9:58 a.m., the court recessed. At 10:03 a.m., the court reconvened with Sims, Associate Justice; Morrison, Associate Justice; and Kolkey, Associate Justice.

C038725 THE PEOPLE v. CROSS

Cause called. Linnea M. Johnson, court appointed counsel, argued for appellant. Alan Ashby, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:21 a.m., the court recessed. At 10:26 a.m., the court reconvened with Sims, Associate Justice; Callahan, Associate Justice; and Kolkey, Associate Justice.

The Minutes

October 23, 2002, continued

C036914 THE PEOPLE v. OUBICHON

Cause called. Hilda Scheib, court appointed counsel, argued for appellant. David Andrew Eldridge, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:52 a.m., the court recessed. At 10:54 a.m., the court reconvened with Sims, Associate Justice; Callahan, Associate Justice; and Robie, Associate Justice.

C040037 LASICH v. LASICH

Cause called. Charlotte L. Keeley, argued for appellant. Paige Leslie Wickland argued for respondent. Cause submitted.

At 11:15 a.m., the court recessed. At 2:00 p.m., the court reconvened with Callahan, Associate Justice; Hull, Associate Justice; and Robie, Associate Justice.

C039000 VRISMO v. GREENSLADE and YOUNT

Cause called. Jerrald K. Pickering argued for appellants. Robert N. Campbell argued for respondent. Cause submitted.

At 2:20 p.m., the court recessed. At 2:21 p.m., the court reconvened.

C038777 THE PEOPLE v. SHELP

Cause called. William I. Parks, court appointed counsel, argued for appellant. Raymond L. Brosterhous II, Deputy Attorney General, argued for respondent. Cause submitted.

At 2:40 p.m., the court recessed. At 2:48 p.m., the court reconvened with Scotland, Presiding Justice; Callahan, Associate Justice; and Kolkey, Associate Justice.

C037982 THE PEOPLE v. SIMPSON

Cause called. Richard M. Doctoroff, court appointed counsel, argued for appellant. Aaron R. Maguire, Deputy Attorney General, argued for respondent. Cause submitted.

At 3:15 p.m. the court recessed. At 3:17 p.m., the court reconvened with Scotland, Presiding Justice; Callahan, Associate Justice; and Kolkey, Associate Justice.

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October 23, 2002, continued

C038966 CASSIDY v. SUKIME, LLC.

Cause called. Howard J. Stagg, IV argued for appellant. Larry C. Larsen argued for respondent.

At 3:48 p.m., the court recessed until 9:30 a.m., Monday, October 28, 2002.

C033573 THE PEOPLE v. HARRISON

(Not for Publication)

The judgment is affirmed.

KOLKEY, J.

I concur: Blease, Acting P.J.

I concur...In the interest of evenhanded criticism, I note that nowhere does

respondent refer to Wright.

Hull, J.

C039705 THE PEOPLE v. HEMPLE

(Not for Publication)

The judgment is modified to strike both of the section 1202.45 fines and to award defendant 196 days of actual custody credit plus 98 days of conduct credit, for a total of 294 days' credit. As modified, the judgment is affirmed. The superior court is directed to amend the abstract of judgment accordingly, and to forward a certified copy of the amended abstract to the Department of Corrections.

SCOTLAND, P.J.

We concur: Callahan, J.

Hull, J.

C039838 THE PEOPLE v. ENGLISH et al.

(Not for Publication)

The judgment is affirmed.

NICHOLSON, Acting P.J.

We concur: Morrison, J.

Callahan, J.

C040687 ROSS v. ROSS

(Not for Publication)

The order is affirmed.

NICHOLSON, Acting P.J.

We concur: Morrison, J.

Callahan, J.

C041005

In re A.C.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. A.H. (Not for Publication)

The orders are affirmed.

SCOTLAND, P.J.

We concur: Nicholson, J.

Callahan, J.

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October 24, 2002

C036714 THE PEOPLE v. YOUNG (Not for Publication)

The judgment (order of commitment) is affirmed.

MORRISON, J.

We concur: Blease, Acting P.J.

Kolkey, J.

C040614 THE PEOPLE v. BARRY (Not for Publication)

The order of probation is modified to reflect that imposition of sentence was suspended.

The trial court is directed to prepare a corrected order of probation to reflect that imposition of sentence was suspended and to forward a certified copy of the corrected order of probation to the Department of Corrections.

As modified, the judgment is affirmed.

RAYE, J.

We concur: Sims, Acting P.J.

Davis, J.

C040948 THE PEOPLE v. PULIS (Not for Publication)

The judgment is affirmed.

KOLKEY, J.

We concur: Sims, Acting P.J.

Nicholson, J.

C041303 THE PEOPLE v. HUDSPETH (Not for Publication)

The judgment is affirmed.

KOLKEY, J.

We concur: Sims, Acting P.J.

Nicholson, J.

C039290 PATRICIA ADKINS INSURANCE AGENCY, INC. v. STATE FARM

AUTOMOBILE INSURANCE COMPANY, et al.

(Not for Publication)

The judgment is reversed. The plaintiff agents shall recover their costs of

appeal.

DAVIS, J.

We concur: Sims, Acting P.J.

Morrison, J.

The Minutes

October 24, 2002, continued

C030059 HILLENBRAND, INC. et al v. INSURANCE COMPANY OF NORTH AMERICA et al.

BY THE COURT:

The petition for rehearing filed by appellants George F. Hillenbrand, Inc. et al. is granted. The decision filed on September 27, 2002, is vacated. SIMS, Acting P.J.

October 25, 2002

C036570 THE PEOPLE v. SUTTER N. (Not for Publication)

The judgment (commitment order) is affirmed.

MORRISON, J.

We concur: Scotland, P.J.

Hull, J.

C038015 THE PEOPLE v. JOHNSON (Not for Publication)

The judgment is affirmed.

KOLKEY, J.

We concur: Davis, Acting P.J.

Morrison, J.

C038076 THE PEOPLE v. J.W. JR. (Not for Publication)

The minor's admission of the probation violation petition filed January 5, 2001 is vacated and the matter remanded for further proceedings on that petition. The judgment (order committing the minor to CYA) is affirmed.

MORRISON, J.

I concur: Scotland, P.J.

In this case, two successive orders of the juvenile court, resulting in two separate appeals, had to be reversed because two different judges of the San Joaquin County Juvenile Court failed to give the minor proper admonishments in connection with admissions made by the minor.... With that said, I concur in the majority opinion.

Sims, J.

C039607 THE PEOPLE v. CLARKE (Not for Publication)

The judgment is affirmed.

DAVIS, Acting P.J.

We concur: Hull, J.

Kolkey, J.

The Minutes

October 25, 2002, continued

C039618 THE PEOPLE v. LUKING

(Not for Publication)

The judgment is modified to impose a \$50 criminal laboratory analysis fee, a \$50

state penalty assessment, and a \$35 county penalty assessment. As so

modified, the judgment is affirmed.

HÜLL, J.

We concur: Blease, Acting P.J.

Robie, J.

C037440 COUNTY OF SACRAMENTO v. GARABEDIAN

BY THE COURT:

Appellant's petition for rehearing is denied.

DAVIS, Acting P.J.